239-243 Albert Road/Upper Sutton Street - corner of, Aston, Birmingham, B6 5NA

Resubmission of previous planning application ref:- 2007/04354/PA for change of use of vacant land to a car park (to be used in association with adjoining Mosque/community centre at 237 Albert Road) together with boundary treatment modifications and new crossover.

Applicant: Anjuman Ghausia Trust
20 Beeches Road, Great Barr, Birmingham, B42 2HF
Agent: Mr Ken Crossfield
10 Stanmore Road, Edgbaston, Birmingham, B16 9TA

Recommendation
Approve Subject To Conditions

1. Proposal

1.1. This application seeks consent to use a vacant piece of land at the corner of Albert Road and Upper Sutton Street as a car park for the adjoining Mosque. Planning permission has previously been granted for this use in 2008 (application ref 2007/04354/PA), though this consent has now lapsed.

1.2. The proposal involves the laying out of 31 car parking spaces, creating a new entrance from Upper Sutton Street enclosed by a set of gates, and associated footpath from the car park to the mosque entrance. The existing metal palisade fencing would be retained. There are two existing trees within the site that would be retained.

1.3. The car park would be used in association with the mosque’s prayer times, defined by the applicant as between 0100 hours and 2300 hours.

2. Site & Surroundings

2.1. The site is located within a predominantly residential area, largely comprising terraced housing with no off-street parking. The existing mosque comprises the premises at 237 Albert Road and the land at the rear of 229 Albert Road. The existing Mosque site contains 10 car parking spaces. The application site is enclosed by palisade fencing and is unused.

3. Planning History
3.1. 14/04/1983 – 05403011 - Change of use from industrial and warehouse use to Mosque and Muslim community centre – approved subject to conditions.

3.2. 17/12/1987 – 05403012 – Erection of extension, variation in hours restriction to permit evening use – approved subject to conditions.

3.3. 10/11/2008 - 2007/04354/PA – Change of use of vacant land to a car park (to be used in association with adjoining Mosque/community centre at 237 Albert Road) together with boundary treatment modifications and new crossover – Approved subject to conditions.

4. Consultation/PP Responses

4.1. MP, ward members, residents associations and neighbouring residents/occupiers notified – a petition of objection with 15 signatories has been received on the following grounds:

- The applicant is a private trust not working in the interest of the public
- The Trust committee is in dispute and claims made by trustees are being pursued through a legal process
- As the car park is for use of the public this is contrary to the above.
- The application should be put on hold until this is resolved.

4.2. Regulatory Services, Pollution Control – Raises concerns about the potential for noise disturbance to adversely affect occupiers of nearby residential premises during nighttimes, recommends an hours of use condition restricting to between 07:00-23:30 hours Mondays – Saturdays, and 08:00 – 22:30 hours on Sundays.

4.3. Transportation Development – No objection subject to amendments and conditions relating to reinstatement of redundant footway crossing, new footway crossing, pedestrian visibility splay, any works to street furniture to be carried out to the relevant specifications, disabled parking and cycle storage to be provided, and affiliation to community travelwise.

5. Policy Context

5.1. Adopted UDP 2005, Draft Birmingham Development Plan, Places for Worship SPD, Car parking guidelines SPD, NPPF.

6. Planning Considerations

6.1. Planning permission has been previously approved for the use of the vacant land as a car park. Therefore the principle of the use has been previously established. The previously approved application demonstrated that the mosque had a need for additional parking, particularly during prayer times, taking into account the limited amount of existing parking at the mosque and the level of use. It was stated that up to 300 persons use the mosque for Friday prayers and between 500 and 600 persons during festivals and special occasions such as Eid.

6.2. Since the previous approval, the City Council have adopted the Places of Worship SPD and Car parking guidelines SPD, both of which support the provision of
appropriate levels of parking to serve such uses. The provision of a car park for the
mosque would help them meet their parking needs, thereby easing demand for on-
street parking. I note that Transportation Development have no objections and I
concur that the proposed car park would have a positive impact on parking
provision.

6.3. Notwithstanding the comments from Regulatory Services regarding hours of use, the
mosque is permitted to open for prayer from one hour before sunrise until two hours
after sunset, reflecting that prayer times vary seasonally. There would be greatest
demand for use of the car park during prayer times. As such, I see no merit in
restricting the hours of use as suggested thereby displacing car parking from the car
park onto the nearby streets outside of the suggested hours of use.

6.4. The site is enclosed by an existing fence which is painted black. I consider that the
retention of the existing fence would be appropriate to be supplemented by a
landscaping scheme to complement the retention of the existing trees.

6.5. With regard to the petition of objection, I do not consider that the points raised are
planning matters that should be material to the determination of this application and
therefore do not have a bearing on the merits of providing a car park to serve the
use.

7. Conclusion

7.1. The proposed car park use will assist the mosque to meet its needs for off-street
parking thereby reducing on-street parking demand in a residential area. The
proposal accords with planning policy and therefore is recommended for approval.

8. Recommendation

8.1. Approve subject to conditions.

1 Requires the prior submission of hard and/or soft landscape details

2 Requires further details of access gates

3 Requires the prior submission of cycle storage details

4 Requires implementation of the car park in accordance with the approved plan.

5 Requires the prior submission and completion of works for the S278/TRO Agreement

6 Limits the use of the car park to the mosque only

7 Requires the applicants to join Community Travelwise

8 Requires the scheme to be in accordance with the listed approved plans

9 Limits the approval to 3 years (Full)

Reason for Approval
Birmingham City Council grants Planning Permission subject to the condition(s) listed below (if appropriate). The reason for granting permission is because the development is in accordance with:

Case Officer: Stuart Morgans